STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED April 19, 2012
v	No. 301766 Wayne Circuit Court
REYNOLD HEMPHILL, Defendant-Appellant.	LC No. 10-007144-FH

Before: M. J. KELLY, P.J., and FITZGERALD and DONOFRIO, JJ.

PER CURIAM.

Defendant Reynold Hemphill appeals by right his bench convictions of two counts of felonious assault, MCL 750.82, and one count of malicious destruction of property, $1,000 or more but less than $20,000 (malicious destruction), MCL 750.377a(1)(b)(i). The trial court sentenced defendant to serve two years on probation for the convictions. Because we conclude that there were no errors warranting relief, we affirm.

On appeal, defendant argues that there was insufficient evidence to support his convictions. Specifically, defendant argues that the evidence showed that he was in a daze and was just trying to escape David Golson's physical attack. As such, he maintains, there was insufficient evidence to establish that he intended to assault Golson and Golson's mother, Donna Houston, and insufficient evidence to establish that he intentionally or maliciously drove his car into Golson's car. "In challenges to the sufficiency of the evidence, this Court reviews the record evidence de novo in the light most favorable to the prosecution to determine whether a rational trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt." *People v Roper*, 286 Mich App 77, 83; 777 NW2d 483 (2009).

In order to establish that defendant committed felonious assaults with his car, in relevant part, the prosecution had to show that defendant drove his car towards Golson and Houston and that he did so with the intent to injure them or to place them in reasonable apprehension of an immediate battery. See *People v Jackson*, 487 Mich 783, 787 n 2; 790 NW2d 340 (2010) (listing the elements of felonious assault). Similarly, in order to establish malicious destruction, the prosecution had, in relevant part, to present evidence that defendant intentionally damaged or destroyed Golson's car. *People v Nelson*, 234 Mich App 454, 459; 594 NW2d 114 (1999). A

defendant's intent may be inferred from all the facts and circumstances surrounding the incident. *Id.*

Here, there was plainly sufficient evidence for a reasonable finder-of-fact to conclude that defendant drove his car towards Golson and Houston with the requisite intent and that he intentionally drove his car into Golson's car for the purpose of damaging or destroying it. There was evidence that defendant hit Golson's car multiple times; indeed, there was testimony that defendant backed his car up only to drive it into Golson's car again. This testimony was sufficient to support an inference that he intended to drive his car into Golson's car and that he did so in order to damage it.

Similarly, Houston testified that she made eye contact with defendant before he drove his car at her and that he ignored her pleas for him to stop. In addition, eyewitness testimony directly contradicted defendant's claim that he was merely trying to escape. There was testimony that defendant revved his engine, did a u-turn, and then drove in a straight line—across at least two lawns—directly at Golson. Houston testified that, after defendant missed Golson, defendant swerved, drove at her, and struck her with his car. She also stated that defendant did not appear dazed: "He was laughing. Everything is funny to him." This evidence was sufficient to establish that defendant assaulted Golson and Houston and that he did so with the requisite intent. Moreover, although defendant's version of events differed from that told by Golson and Houston, the finder-of-fact clearly found his version incredible. And it was free to do so. See *Roper*, 286 Mich App at 88 (noting that the finder-of-fact is free to draw its own conclusions from the evidence or even reject it outright).

There was sufficient evidence to support the convictions.

Affirmed.

/s/ Michael J. Kelly
/s/ E. Thomas Fitzgerald
/s/ Pat M. Donofrio